Case: 14-1653 Document: 21 Page: 1 Filed: 10/16/2014

### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CASE No.: 14-1653

LUV N' CARE, LTD., Patent Owner-Appellant,

v.

MUNCHKIN, INC., Petitioner-Appellee.

### JOINT AGREED-TO MOTION FOR MODIFICATION OF BRIEFING SCHEDULE

Appellee, Munchkin, Inc., and Appellant Luv n' care, Ltd., by and through their respective attorneys, hereby respectfully submit this Joint Agreed-To Motion for Modification of Briefing Schedule, pursuant to Federal Circuit Rule 26(b) and 27, as follows:

The current deadline for Appellee to file its response brief is October 27, 2014. The parties have agreed to a 14-day extension of this deadline, to November 10, 2014.

Should the deadline for Appellee's brief be extended as requested herein, the deadline for Appellant to file its reply brief would become November 28, 2014. The parties have agreed to a 14-day extension of this prospective deadline, to December 12, 2014.

Case: 14-1653 Document: 21 Page: 2 Filed: 10/16/2014

This request is made due to the press of business and counsel's schedules. This is the first request for extension of each of these deadlines.

WHEREFORE, the Parties jointly and respectfully request that the Court extend the time for Appellee to file its response brief to and including November 10, 2014, and extend the time for Appellant to file its reply brief to and including December 12, 2014.

Dated: October 16, 2014

Respectfully submitted,

### LATHROP & GAGE LLP

By: /s/ Travis W. McCallon
Travis W. McCallon (MO 56979)
R. Cameron Garrison (MO 54064)
A. Justin Poplin
2345 Grand Blvd., Suite 2200
Kansas City, MO 64105
Tel: 816.292.2000
Fax: 816.292.2001

tmccallon@lathropgage.com cgarrision@lathropgage.com jpoplin@lathropgage.com

ATTORNEYS FOR APPELLEE MUNCHKIN, INC.

#### HUSCH BLACKWELL LLP

By: /s/ Edward D. Manzo
Edward D. Manzo
George S. Pavlik
Daniel Kim
120 S Riverside Plaza, Suite 2200
Chicago, ILL 60606
edward.manzo@huschblackwell.com
george.pavlik@huschblackwell.com
Daniel.kim@huschblackwell.com

Hartwell P. Morse, III Luv N' Care Ltd. 3030 Aurora Avenue Monroe, LA 71201 hartwellm@nuby.com

ATTORNEYS FOR APPELLANT LUV N' CARE, LTD.

Case: 14-1653 Document: 21 Page: 3 Filed: 10/16/2014

# **CERTIFICATE OF INTEREST**

Counsel for the Appellee Munchkin, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

Munchkin, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

R. Cameron Garrison Travis W. McCallon Lathrop & Gage LLP, 2345 Grand Boulevard, Suite 2200, Kansas City, MO 64108

A. Justin Poplin Lathrop & Gage LLP, 10851 Mastin Boulevard, Building 82, Suite 1000, Overland Park, KS 66210

Dated: October 16, 2014 /s/ Travis W. McCallon
Counsel for Appellee Munchkin, Inc.

Case: 14-1653 Document: 21 Page: 4 Filed: 10/16/2014

# **CERTIFICATE OF INTEREST**

Counsel for the Appellant Luv N' Care Ltd. certifies the following:

1. The full name of every party or amicus represented by me is:

Luv N' Care Ltd.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Morris E. Cohen, Lee A. Goldberg Goldberg Cohen LLP, 1350 Avenue of the Americas, 4<sup>th</sup> Floor, New York, NY 10019

Hartwell P. Morse, III Luv N' Care Ltd., 3030 Aurora Avenue, Monroe, LA 71201

Edward D. Manzo, George S. Pavlik, Daniel Kim Husch Blackwell LLP, 120 S Riverside Plaza, Suite 2200, Chicago, IL 60606

Dated: October 16, 2014 /s/ Edward D. Manzo
Counsel for Appellant Luv N' Care Ltd.

# **CERTIFICATE OF SERVICE**

The undersigned attorney for Defendant-Appellee hereby certifies that on October 16, 2014, a copy of the foregoing was served on the following counsel by electronic mail and the Court's CM/ECF system:

Edward D. Manzo George S. Pavlik Daniel Kim Husch Blackwell LLP 120 S Riverside Plaza, Suite 2200 Chicago, ILL 60606

Email: edward.manzo@huschblackwell.com george.pavlik@huschblackwell.com Daniel.kim@huschblackwell.com

Hartwell P. Morse, III Luv N' Care Ltd. 3030 Aurora Avenue Monroe, LA 71201

Email: hartwellm@nuby.com

/s/ Travis W. McCallon Counsel for Appellee Munchkin, Inc.